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10/626,850

07/22/2003

Felix Bator

F-673

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7590
09/07/2007
Brian A. Lemm
Pitney Bowes Inc.
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000

EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,850

Applicant(s)

BATOR ET AL.

Examiner

Igor N. Borissov

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Amendment received on 6/25/2007 is acknowledged and entered. Claims 1-3 and 9-14 are currently pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

System claim 14 recites the following limitation: "at least one metering account licensed to a vendor and maintained at the data center", which is confusing. It is not clear to what extent an *account* represents a structural element.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 9-10 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ananda (US 6,385,731).

Independent Claims

Claim 1. Amanda teaches a method for a vendor to dispense postage over a network to a remote personal computer, the method comprising:

- obtaining a meter license from the Post (C. 27, L. 24-29), said meter license being associated with a meter account assigned to the vendor (C. 22, L. 1-44), said meter account being maintained at a data center (C. 22, L. 45-49);

- receiving, via the network, a transaction request for postage from a customer using the remote personal computer, said transaction request including information from the customer, said information corresponding to the transaction requested and payment method (C. 5, L. 44-48);

- processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor (C. 5, L. 48-51; C. 22, L. 16-32);

- effecting payment for the transaction based on the information received from the customer (C. 5, L. 48-51; C. 22, L. 16-32);

- receiving the evidence of postage payment created by the data center; and sending the evidence of postage payment to the remote personal computer for use by the customer (C. 5, L. 48-51).

Claim 10. Amanda teaches a method for a vendor to dispense postage to a remote personal computer via a network comprising:

- receiving a request for postage from a customer using the remote personal computer coupled to the network (C. 5, L. 44-48);

- processing the request for postage by requesting a data center to create evidence of postage payment and to account for the created evidence of postage payment in a postal account assigned to the vendor (C. 5, L. 48-51; C. 22, L. 1-32);

- sending the evidence of postage payment to the remote personal computer customer via the network for use by the customer (C. 5, L. 48-51).

Dependent Claims

Claim 2. The method of claim 1, including determining an origin of deposit postal code for the requested transaction (C. 22, L. 18-21).

Claim 3. The method of claim 1, wherein the information from the customer includes a username, password and credit card information whereby a personal account is established for subsequent transactions (C. 8, L. 59-67; C. 22, L. 45-49; C. 27, L. 24-34).

Claim 9. The method of claim 2, wherein the origin of deposit postal code is included in the information from the customer (C. 22, L. 18-21).

Claim 12. The method of claim 10, wherein receiving a request for postage from a customer further comprises: receiving information to identify the customer (C. 8, L. 59-67; C. 22, L. 45-49; C. 27, L. 24-34).

Claim 13. The method of claim 12, wherein the information to identify the customer includes at least one of a user name and a password (C. 8, L. 59-67; C. 22, L. 45-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ananda in view of Official Notice.

Dependent Claim

Claim 11. Ananda teaches all the limitations of the claim 11, except specifically teaching that the evidence of postage payment includes *a transaction number*.

However, Ananda teaches that database 1213 comprises system usage log to log every postage metering transaction (C. 22, L. 54-55).

Official notice is taken that it is old and well known to identify a transaction by a transaction number.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ananda to include that said database 1213 comprises system usage log to log every postage metering transaction and *transaction number*, because it would advantageously allow to identify a particular transaction in case of necessity.

Response to Arguments

Applicant's arguments filed 6/25/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to disclose that a *customer can print postage without having a meter license or meter account*, it is noted that the recited feature, upon which applicant relies in claims 1-3 and 12-14, is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the prior art fails to disclose that a *meter license being associated with a meter account assigned to the vendor*, it is noted that Ananda explicitly teaches said feature. Specifically, Ananda teaches (see Fig. 12) that Vendor (1210) obtains license from USPS (C. 27, L. 24-34).

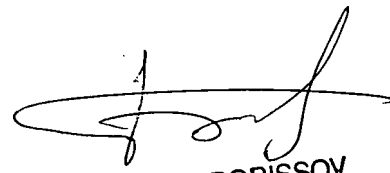
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

8/28/2007



IGOR N. BORISSOV
PRIMARY EXAMINER